

PHILLIP A. TALBERT  
United States Attorney  
MATHEW W. PILE, WSBN 32245  
Associate General Counsel  
Office of Program Litigation, Office 7  
Social Security Administration  
JUSTIN L. MARTIN, MO 62255  
Special Assistant United States Attorney  
6401 Security Boulevard  
Baltimore, Maryland 21235  
Telephone: (206) 615-3735  
E-Mail: justin.l.martin@ssa.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

THOMAS CHRISTOPHER ACKERNECHT,

Plaintiff,

vs.

CAROLYN COLVIN,  
Acting Commissioner of Social Security,<sup>1</sup>

Defendant.

Civil No. 2:24-cv-03096-SCR

~~STIPULATION AND PROPOSED ORDER~~  
FOR EXTENSION OF TIME TO FILE THE  
ELECTRONIC CERTIFIED  
ADMINISTRATIVE RECORD AS THE  
ANSWER TO PLAINTIFF'S COMPLAINT

Pending the Court's approval, the parties stipulate through their respective counsel that Defendant, the Commissioner of Social Security (the "Commissioner"), shall have a thirty-day

<sup>1</sup> Carolyn Colvin became the Acting Commissioner of Social Security on November 30, 2024. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn Colvin should be substituted for Martin O'Malley as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 extension of time to respond to Plaintiff's Complaint in this case from January 7, 2025, up to and  
2 including February 6, 2025. In support of this request, the Commissioner respectfully states as  
3 follows:

- 4 1. Defendant's response to Plaintiff's Complaint is due to be filed by January 7, 2025.  
5 Defendant has not previously requested an extension of this deadline.  
6
- 7 2. In accordance with the Federal Rules of Civil Procedures, recently amended to add  
8 Supplemental Rules for Social Security review cases under 42 U.S.C. § 405(g), the  
9 Commissioner files a certified administrative record (CAR) as the Answer to a  
10 Complaint for review.  
11
- 12 3. Counsel for the Commissioner has been informed by the client agency, which is the  
13 Social Security Administration, Office of Appellate Operations, that the CAR is not  
14 fully prepared in this matter. The client agency therefore needs more time to prepare  
15 the CAR for the Court's review.  
16
- 17 4. For this reason, Defendant requests an extension to February 6, 2025 (30 days), to file  
18 an Answer or other response in this matter.  
19
- 20 5. Counsel for the Commissioner has consulted with Plaintiff's counsel who advised that  
21 she has no objection to this extension request.  
22
- 23 6. This request is made in good faith and is not intended to delay the proceedings in this  
24 matter.  
25
- 26 7. I am attempting to preserve limited judicial resources and have applied the most rapid  
27 response under the circumstances.  
28

WHEREFORE, Defendant requests until February 6, 2025, to respond to Plaintiff's  
Complaint.

Respectfully submitted,

DATE: December 23, 2024

Osterhout Berger Disability Law

/s/ Sherianne Laba\*

SHERIANNE LABA

Attorney for Plaintiff

(\*as authorized via email on December 20, 2024)

PHILLIP A. TALBERT

United States Attorney

MATHEW W. PILE

Associate General Counsel

Office of Program Litigation, Office 7

Social Security Administration

DATE: December 23, 2024

By s/ Justin L. Martin

JUSTIN L. MARTIN

Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Pursuant to stipulation, it is so ordered.

DATE: December 20, 2024



SEAN C. RIORDAN

UNITED STATES MAGISTRATE JUDGE